

September 15, 2005

PRESENT: Dr. Charles W. Curry, Chairman  
Charles C. Schooley, Vice Chairman  
William Bashaw  
Bruce M. Bowman  
Kitra A. Shiflett  
Larry Shiflett  
Beatrice B. Cardellicchio

OTHERS PRESENT: Jeremy Sharp  
Tom Stanley, Extension Office  
Bobby Whitescarver

ABSENT: Dale L. Cobb  
Larry C. Howdyshell  
Betty Jo Hamilton  
Clay Hewitt  
Garland Martin  
Mark Grove

VIRGINIA: Meeting of the Agricultural Task Force Committee held on Thursday, September 15, 2005, at 7:00 P.M., in the County Government Center, Verona, Virginia.

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Chairman Curry asked if there were any changes or a motion to approve the minutes from the September 1, 2005 meeting?

Mr. Bashaw stated that he would like to revise his statement on page 2. He stated that he does not think Dr. Kohl had solutions to our problems because he had given up on protecting farmland from development.

Mr. Bashaw stated that he would like to also revise page four. He stated that the County needs to concentrate on creating towns to prevent development on agriculture land.

Mr. Bowman moved to approve the minutes of the September 1, 2005 meeting.

Ms. Shiflett seconded the motion, which carried unanimously.

Chairman Curry read the statement that was in the suggestion box. He stated that the suggest was that Augusta County should buy land and create towns to control high density development and focus resources. He asked if the committee would like to add this statement to the recommendation list and he asked if the statement had some merit? He stated that staff should keep the statement on the suggestion list.

Chairman Curry stated that Mr. Bowman would like to speak about his trip to Virginia Beach.

September 15, 2005

Mr. Bowman stated that Virginia Beach has an Agricultural Reserve Program (ARP). He stated that the program is strictly voluntary. He stated that the goal is to retain land for farming. He stated that Virginia Beach currently has 7,000 acres under the management of the city. He stated that \$16,000,000 is in the bank for the programs.

Chairman Curry asked if they had more money than they had applications?

Mr. Bowman stated yes. He stated that they have received a flood of applications. He stated that they have dedicated personnel. He stated that Jenny McPherson runs the PDR program and the farmers market. He stated that they have a five member agricultural advisory committee. He stated that they decide whether or not the applicants meet the criteria or not. He stated that they use soil types when basing their decision on whether the land is suitable for development. He stated that for example a 100 acre farm valued at \$5,000/acre would yield an offer of \$410,000:

\$500,000	Fair market value (\$5,000 per acre)
<u>\$ -90,000</u>	Agricultural value (\$900 per acre)
\$410,000	City's offer to purchase development rights

Mr. Bowman stated that the landowners receive interest payments. He stated that he talked with a farmer that waited for the interest rate to go up. He stated that the farmer was paid two times a year interest free money for twenty five years. He stated that when the payment ends you are subject to taxes. He stated that most farmers would put some of that money away to pay capital gains. He stated that the contract is in perpetuity. He stated that there is a penalty if the landowner needed to get out of the program but it could be done. He stated that he spoke with many farmers who are in the program and enjoy it. He stated that one reason why the farmers like this opportunity is because when the farm is leased it is leased at a better price. He stated that a lot of the farmers stated that it would be foolish to put all of their property in the program. He stated that land with easements on it is renting out at \$50-125 an acre. He stated that not all applications pass through to the city council. He stated that they are doing their best to keep big blocks of property in the same section.

Mr. Shiflett asked if they had a green line?

Mr. Bowman stated that they do have a plan. He stated that they have agriculture below the green line and infrastructure above the green line. He stated that they are still actively working on open space. He stated that if it is the correct soil type the city is aggressively trying to buy the development rights. He stated that he suggests looking at Exclusive Agriculture land. He stated that they have three people for the City of Virginia Beach working on agriculture. He stated that they are working on other agricultural activities along with the PDR program. He stated that his hostess stated that the County should look at Extension for training. He stated that Extension is supposed to educate but there should be an agricultural expert to advocate the process. He stated that the citizens realize that no infrastructure results in less expenses to the city. He stated that Virginia Beach's Farmers Market has recognized agriculture as a huge part of the area.

September 15, 2005

Chairman Curry stated Mr. Bowman should look at the criteria of the Virginia Beach program. He stated that he should select some of the criteria to consider when the committee makes their recommendation to the Board of Supervisors.

Chairman Curry stated that he has asked Mr. Cobb to check if a speaker is available to meet with the committee from the Virginia Association of Counties.

Chairman Curry introduced Bobby Whitescarver who will be speaking on the Federal Farmland Preservation Programs.

Mr. Whitescarver stated that all of these programs are authorized and funded by the United States Congress. He stated that they have many programs including: Farm Service Agency, Natural Resource Conservation Service, Shenandoah Resource Conservation & Development, Rural Development, Forest Service, Plant and Animal Health, Agriculture Research Service, Food stamps, WIC, school lunches, etc. He stated that in the year 2004 the USDA paid \$3,812,776 to the farmers who participated in Augusta County. He stated that the conservation program's purpose is to improve production of land and water quality and improve wildlife habitats. He stated that the Conservation Reserve Program included the fence out program. He stated that the Environmental Quality Incentive Program includes animal waste control. He stated that there is also a Conservation Security Program and a Wildlife Habitat Improvement Program. He stated that in 1982 - 1992 they lost 1.4 million acres in farmland to some other use. He stated that in 1992 - 1997 they lost 3.2 million acres in farmland. He stated that prime farmland soils are lost at twice the rate. He stated that they have a program called Farmland and Ranchland Protection Program but there are none in Augusta County. He stated that these programs have a 50% match program.

Chairman Curry stated that he would like a copy of the rules and regulations for these programs.

Mr. Whitescarver stated he will provide that to the committee. He stated that another program is the Grassland Reserve Program. He stated that this is 100% PDR. He stated that this program has a 100% match. He stated that the USDA pays all of the costs incurred. He stated that this is a permanent easement or it could be placed for a 30 year term. He stated that the value of development rights is x 0.3 - 30 year easement payments. He stated that they are paid within a ten year period. He stated that they have three rental farms, one permanent easement, and two 30 year easements in Augusta County.

Chairman Curry asked what the grassland program would be?

Mr. Whitescarver stated that it would only have to be grass and hay. He stated that it must only be considered a pasture.

Mr. Bashaw asked about the crop lands near a river and if that could be used for pasture?

Mr. Whitescarver stated that crops could not be grown on the site.

Mr. Bashaw asked if hay and seed could be grown?

September 15, 2005

Mr. Whitescarver stated yes. He stated that there cannot be any trees, grapes, livestock, etc.

Vice Chairman Schooley stated that there are very few of these easements in the County.

Chairman Curry asked if they paid for all of the items needed?

Mr. Whitescarver stated yes in both programs. He stated that he would advise when putting an easement on a piece of property that legal advice be pursued. He stated that there is one Wetland Reserve Program in the County. He stated that this is not very popular. He stated that this program is 100% permanent.

Mr. Bashaw asked how many acres would it be considered to be a wetland? He stated that if it is in a small area how much money would be provided?

Mr. Whitescarver stated that what you get for PDRs is more than the fair market value. He stated that they paid out to the Conservation Resource Programs: \$582,574; Grassland Resource Protection: \$432,088; Wildlife Protection: \$27,150; Equipment: \$317,583. He stated that the applicants are competing against one another. He stated that they will hire an appraiser to appraise the property. He stated that they will make an offer based on the appraised value. He stated that the landowner has the right to accept the offer or appeal it. He stated that most easements are worth 30% of your appraised value of the property. He stated that in some cases it may be 35%.

Ms. Shiflett asked if the payment were all in one installment?

Mr. Whitescarver stated up to ten installments.

Vice Chairman Schooley asked if the 35% of the appraised value was on developed land or farmland?

Mr. Whitescarver stated that it is the PDR price.

Chairman Curry asked if there were any temporary easements?

Mr. Whitescarver stated one permanent and two 30 year easements.

Mr. Bashaw asked how much a permanent easement would pay?

Mr. Whitescarver stated that 30% of the appraised value.

Chairman Curry asked if there is a limit when matching the 50%?

Mr. Whitescarver stated yes and it depends on how much the state gives them. He stated that he does have handouts for the committee and if the committee needs additional information to let him know.

September 15, 2005

Mr. Bowman stated that the Virginia Beach PDR program met their criteria in over a year.

Mr. Shiflett asked if the representative from Virginia Beach was interested in helping them?

Mr. Bowman stated yes and she went to school with Mark Grove. He stated that Virginia Beach looks at soil types when putting an easement on the property.

Chairman Curry stated that maybe this incentive should be for land zoned Exclusive Agriculture.

Mr. Shiflett stated that it should be for landowners who want to farm.

Mr. Bowman stated that Virginia Beach's program is well received especially the land that is being leased out. He stated that Virginia Beach loved the idea of TDRs but they were turned down.

Chairman Curry stated that it would work well there.

Ms. Shiflett asked why they were turned down?

Mr. Sharp stated that the developers do not like the idea of TDRs.

Chairman Curry stated that if enough localities get involved they may be able to lobby the legislative for a TDR program.

Mr. Bowman stated that Virginia Beach and the USDA lobby money for the PDR programs.

Chairman Curry thanked Mr. Whitescarver for attending the meeting. He stated that the next item on the agenda is Sliding Scale Zoning presented by Jeremy Sharp.

Mr. Sharp stated that Clarke County has established sliding scale density zoning. He stated that they are similar in property density to Augusta County. He stated that they did not want to develop like Loudoun County so they decided to change their zoning. He stated that this process is not voluntary. He stated that the sliding scale zoning would affect agriculture and forest land. He gave the committee an example of the sliding scale zoning on a farm.

Mr. Shiflett asked about a subdivision on Knightly Mill Lane without having a road? He asked how this could happen?

Mr. Sharp stated that he would find out how that property got subdivided. He stated that Clarke County does not have family member exception. He stated that in Clarke County the size of the tract determines the number of single family detached dwelling units permitted. He stated that on 100 acres you are allowed to have four detached dwelling units.

Chairman Curry asked how long has this been in place in Clarke County?

September 15, 2005

Mr. Sharp stated 25 years and there is nothing in the Virginia Code stating that sliding scale zoning is not permitted. He stated that it is just zoning.

Mr. Bashaw stated that something rash like this should be done in Augusta County.

Mr. Sharp stated that they do have some restrictions as far as arrangement of the parcels. He stated that parcels need to have road frontage. He stated that the only weakness with the code pertaining to arrangement of parcels that he sees is that all of the statements are "should" statements instead of being "shall" statements. He stated that most landowners abide by the arrangements.

Mr. Shiflett stated that a lot of houses are strung out. He stated that these programs should be for land zoned Exclusive Agriculture.

Mr. Bashaw stated that land is being wasted for no reason.

Mr. Shiflett stated that they are running out of land.

Chairman Curry stated that this may save a lot of hilltops.

Mr. Sharp stated that the maximum density is really the key in the sliding scale zoning. He stated that this would open all parcels up. He stated that this could be scary for Augusta County. He stated that Clarke County and the developers worked together on this. He stated that the development could happen all at one time since there are no time restrictions in their code. He stated that this will help with haphazard development because developers would be more likely to cluster their developments.

Mr. Shiflett stated that people are doing immediate subdivisions anyway.

Mr. Bashaw asked what the staff thought about this idea?

Mr. Sharp stated that staff thought this could have potential in Augusta County.

Chairman Curry asked if staff could find out what the density of Clarke County and Augusta County was back in the 1980s when they first started?

Mr. Sharp stated yes.

Mr. Shiflett stated that this program will redirect development. He stated that this program has a lot of merit.

Chairman Curry stated that this should be applied to areas that are zoned outside of the towns and villages.

Ms. Shiflett stated that this program should be applied to agriculture, forest, and open space land.

September 15, 2005

Chairman Curry asked if this should be put on the recommendations list?

Mr. Bashaw stated that there should be a specific set of rules.

Mr. Bowman stated that he would like to look at this further. He stated that it could be used in one or more of the zoning categories.

Vice Chairman Schooley stated that some people will think the restrictions are good and others bad.

Mr. Shiflett stated that something has to be done. He stated that land values are continuing to increase.

Ms. Shiflett stated that the number of tracts allowed might have to be looked at in greater detail. She stated that many farms have already been divided into different tracts. She stated that maybe in Exclusive Agriculture it should be contiguous parcel instead of tract. She stated that this may be an excellent tool that the County can consider but there could be a lot more development.

Chairman Curry asked if the County Attorney could look at this in greater detail?

Chairman Curry stated that they should add sliding scale zoning to the list of recommendations.

Chairman Curry stated that he hopes to have something for the committee to see in the form of a draft report for the second October meeting.

Chairman Curry stated that the next item on the agenda is to rank the Opportunities to Preserve and Promote Agriculture.

Mr. Bashaw stated that the committee should add sliding scale zoning to the list.

Chairman Curry stated that the committee should add the Extension Service to the list.

The committee members ranked the items on the list. They were ranked as follows:

#### Ranked

- |                                      |               |
|--------------------------------------|---------------|
| ▪ Extension Service                  | <b>5 Dots</b> |
| ▪ Sliding Scale Zoning               | <b>4 Dots</b> |
| ▪ Revision of the comprehensive plan | <b>4 Dots</b> |

September 15, 2005

- The Agricultural Task Force **4 Dots**
- Other supportive groups/agencies to partner with **2 Dots**
- New ag industries create new ag businesses **1 Dot**
- Educational institutions **1 Dot**
- Economic vitality of ag helps economic vitality of others (banks, etc.) **1 Dot**
- Keep county costs lower with the lower infrastructure and service needs of agriculture **1 Dot**

Mr. Stanley stated that there will be a farm education workshop on October 14<sup>th</sup> if any of the committee members would like to attend. He stated that this would be a five week program that meets one night a week. He stated that if anyone has any questions to let him know.

Chairman Curry stated that the next item on the agenda is to go over the public input meeting. He stated that he came up with some organizations that the committee should invite to the meeting.

Mr. Bashaw stated that the FFA should be invited.

Chairman Curry stated that it is good to get the youth involved.

Mr. Stanley stated that the Staunton/Augusta Farmers Market should be invited.

Chairman Curry stated that the committee should invite the following organizations to the public input meeting:

Farm Bureau Federation  
 Chamber of Commerce  
 Valley Conservation Council  
 Extension Service  
 4H  
 FFA  
 Young Farmers  
 Augusta Community Partnership  
 Fair Board  
 Staunton/Augusta Farmers Market

Mr. Bowman stated that is a good idea and they should also get a copy of the draft report so that they are prepared to discuss the items at the meeting.

Mr. Bashaw asked about inviting state agencies?

Chairman Curry stated that would be a long list.

Ms. Shiflett stated that they could come and speak as part of the public if they wanted to.



September 15, 2005

Chairman Curry stated that if the committee thinks of anymore to let him know.

Chairman Curry stated that the next item on the agenda is the Clarification List.

Chairman Curry stated that there were two items that needed clarification on the ranking lists. He stated that the first one was on the Strategies List - Penalties for use other than agriculture on agricultural land.

Mr. Shiflett stated that they are doing this now in land use.

Mr. Bashaw stated that if agricultural land is developed and not being used as agriculture then the County should penalize the landowner.

Chairman Curry stated that this is similar to impact fees which are on the list and that they have talked about. He stated that this is not permitted in Virginia. He stated that the County has voluntary proffers not fees.

Chairman Curry stated that the next item that needs clarification is on the Information List - What are the critical areas for agriculture. He asked if this would be critical areas or geographical areas?

Ms. Shiflett stated that she thinks this statement meant what areas were under the most development pressure.

Chairman Curry stated that if that is it then we did not have an answer to that item. He stated that staff should follow up on that.

Mr. Shiflett stated that all areas are under pressure.

Ms. Shiflett stated that October 17<sup>th</sup> will be the first public meeting for the Steering Committee and they will be giving out the build out analysis for the County. She stated that this could be a wake up call for the County.

Mr. Sharp stated that this is a preliminary report with the existing conditions. He stated that this is a worst case build out. He stated that the next step would be completed in January or February. He encouraged the committee members to attend the October 17<sup>th</sup> Steering Committee meeting. He stated that they need to have citizens at the meeting in support of agriculture.

There being no further business, the meeting was adjourned.

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Chairman